

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL	)	MDL No. 146
INDUSTRY AVERAGE	)	
WHOLESALE PRICE LITIGATION	)	CIVIL ACTION: 01-CV-12257 PBS
	)	
THIS DOCUMENT RELATES TO	)	Judge Patti B. Saris
ALL CLASS ACTIONS	)	Chief Magistrate Judge
	)	Marianne B. Bowler

**JOINT MOTION OF PLAINTIFFS AND PHASE I FAST TRACK  
DEFENDANTS TO EXTEND TIME FOR COMPLETION  
OF FACT DISCOVERY AND RESETTING ALL RELATED DATES**

The Plaintiffs and the Phase I Fast Track Defendants, by their attorneys, respectfully move this Court to extend the time for completion of fact discovery and to reset all related dates. The Plaintiffs and Phase I Fast Track Defendants have been engaging in discovery as contemplated by CMO No. 10. The production of documents has taken longer than contemplated by CMO No. 10. Thousands of boxes of documents have been produced by the Phase I Fast Track Defendants between July 15 and September 15, 2004, and additional productions will occur in the next few months. It is not possible to review and process these documents and complete fact discovery by the discovery cutoff of January 30, 2005.

The parties therefore agree, subject to Court approval, that it would be appropriate to extend the fact discovery cutoff by seventy-five (75) days and to reset all related dates by extending each by 75 days.

Therefore, the parties propose that the new Phase I schedule be as follows:

1. Close of fact discovery now January 30, 2005: extended to April 14, 2005.

2. Plaintiffs serve liability expert reports: extended from January 30, 2005, to April 14, 2005.
3. Defendants serve expert liability reports: extended from February 28, 2005, to May 13, 2005.
4. Close of expert discovery on March 30, 2005: extended to June 13, 2005.
5. Summary judgment motions filed no later than April 15, 2005: extended to June 29, 2005.
6. Oppositions due May 2, 2005: extended to July 15, 2005.
7. Replies due on May 16, 2005: extended to July 29, 2005.
8. Any surreply due on May 30, 2005: extended to August 12, 2005.
9. Hearing on motions for summary judgment on June 8, 2005, at 2:00 p.m.: extended to August 22, 2005, at 2:00 p.m.

**PHASE 2 SCHEDULE**

1. After the Court's ruling on the Phase 1 certification motion, the Court shall set a Phase 2 briefing schedule on class certification. Plaintiffs shall be prepared to file the motion for class certification within sixty (60) days of the Court's ruling.
2. Fact discovery on Phase 2 will close on October 3, 2005: extended to December 16, 2005. Plaintiffs shall file expert reports on November 1, 2005: extended to January 13, 2006. Defendants shall file expert reports on December 1, 2005: extended to February 15, 2006. Expert discovery shall be completed by January 16, 2006: extended to March 31, 2006. Any motion for summary judgment shall be filed by January 30, 2006: extended to April 14, 2006. Any opposition shall be filed by February 12, 2006: extended to

April 28, 2006. Any reply by February 27, 2006: extended to May 12, 2006, and the surreply by March 13, 2006: extended to May 26, 2006.

WHEREFORE, Plaintiffs and the Phase I Fast Track Defendants respectfully request that this Court grant an extension of time for completion of fact discovery and to reset all related dates.

Respectfully submitted,

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On Behalf of Track 1 Defendants  
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**CERTIFICATE OF SERVICE BY VERILAW**

Docket No. MDL 1456

I, Thomas M. Sobol, hereby certify that I am one of plaintiffs' attorneys and that, on October 13, 2004, I caused copies of Joint Motion of Plaintiffs and Phase I Fast Track Defendants to Extend Time for Completion of Fact Discovery and Resetting All Related Dates to be served on all counsel of record by causing same to be posted electronically via Verilaw.

Dated: October 13, 2004

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/s/ Thomas M. Sobol  
Thomas M. Sobol